

Remarks

Applicants appreciate the thorough examination of the present application as evidenced by the Office Action dated May 24, 2005 ("the Office Action"). Applicants further appreciate the Examiner's indication that Claims 49, 52 and 53 are allowed. Claims 1, 3-21, 23-35, 37-40, 42, 43, 45-48, 50, 51, 54 and 55 stand rejected. Upon entry of the present Amendment, Claims 40, 43, 45-49, 52, 53 and 56-68 are pending. Applicants address the concerns raised in the Office Action in the comments provided below.

I. Information Disclosure Statement

Applicants respectfully submit that the Supplemental Information Disclosure Statement filed on May 3, 2005 included a copy of the references cited thereon. More specifically, a copy of Downey et al. (no. 26) and Toh et al. (no. 60) (referred to in paragraph 3 of the Office Action, page 2, and further corresponding to references 1 and 2 in paragraph 4 of the Office Action, page 2) were provided with the previously submitted Supplemental Information Disclosure Statement. A copy of the Certification of Facsimile Transmission is included herewith. Applicants resubmit concurrently herewith the Supplemental Information Disclosure Statement along with copies of Downey et al. and Toh et al. As the Supplemental Information Disclosure Statement was previously submitted in accordance with 37 C.F.R. § 1.97(b)(4), before the mailing of a first action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114, no fee is believed due. Applicants respectfully request that the Examiner consider these references and forward an initialed and signed form PTO-1449 acknowledging the Examiner's consideration of these references.

II. Claim Objection

Claim 37 stands objected to for dependency upon canceled Claim 36. *See* Office Action, page 2. Applicants have canceled Claim 37 without prejudice or disclaimer to obviate this objection.

III. Claim Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 40, 42, 43 and 45-48 stand rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. *See* Office Action, page 2. Applicants have

amended Claim 40 to include the recitation "to diagnosis or monitor a hemostatic dysfunction comprising an inflammatory condition." Applicants have also canceled Claim 42 on the basis of this claim being a duplicate of previously presented Claim 46.

Accordingly, Applicants submit that, for at least the foregoing reasons, the rejection of Claims 40, 43 and 45-48 have been overcome, and the rejection of Claim 42 has been obviated.

IV. Priority Data

As noted above, the specification has been amended to delete the priority data referencing previously filed U.S. Patent Application Serial Nos. 09/244,340; 09/001,647; 08/859,773 and 08/477,839. Applicants intend to file a new Declaration and Power of Attorney that does not claim the benefit of U.S. Patent Application Serial Nos. 09/244,340; 09/001,647; 08/859,773 and 08/477,839.

Accordingly, the filing date of the present application will be deemed the filing date of U.S. Patent Application Serial No. 09/591,642 filed June 9, 2000.

V. Prior Art Rejections

Claims 1, 3-21, 23-35, 37-39, 50, 51, 54 and 55 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,429,017 to Ridker et al. (the "'017 patent"). See Office Action, page 3.

Claims 1, 3-21, 23-35, 37-39, 50, 51, 54 and 55 further stand rejected under 35 U.S.C. §103(a) as being unpatentable over the '017 patent in view of Rowe et al. *Clin. Exp. Immunol.* 58:237-244 (1984) and Ridker et al. *Circulation* 97: 2007-2011 (1998). See Office Action, page 5.

Claims 1, 3-21, 23-35, 37-39, 50, 51, 54 and 55 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-7 and 9-19 of the '017 patent in view of Rowe et al. and Ridker et al. See Office Action, page 8.

Applicants have canceled Claims 1, 3-21, 23-35, 37-39, 50, 51, 54 and 55 without prejudice or disclaimer. Thus, Applicants respectfully request that the Examiner withdraw the outstanding rejections.

VI. New Claims 56-68 are Patentable Over the Cited References

Applicants have added new Claims 56-68. Support for new Claims 56-68 can be found in the specification and claims as originally filed, for example, page 4, line 37 through page 5, line 11 and page 24, lines 30-33 of the present application. Thus, no new matter is added upon entry of these new claims, which action is respectfully requested. Further, Applicants respectfully submit that new Claims 56-60 are patentable over the cited references at least in view of the patentability of the claims from which the newly added claims depend.

Conclusion

Applicants respectfully submit that, for at least the reasons discussed above, the amendments and remarks overcome and/or obviate the outstanding objection to one of the claims as well as the outstanding rejections of the claims. Accordingly, Applicants respectfully request allowance of all the pending claims and passing this application to issue.

The Examiner is encouraged to direct any questions regarding the foregoing to the undersigned, who may be reached at (919) 854-1400.

Respectfully submitted,

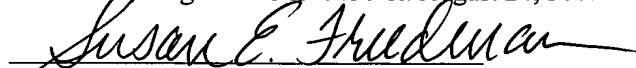


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on August 24, 2005.



Susan E. Freedman

Date of Signature: August 24, 2005